

III. REMARKS/ARGUMENTS

A. Status of the Claims

Claims 1-71 are pending. Claims 1, 2, 4, 18, 19, 23, 24, 29 and 43 have been amended. Claims 70 and 71 have been added. No new matter is introduced by these amendments, and these amendments are fully supported by the specification. Applicants respectfully request reconsideration of the rejections of these claims for at least the following reasons.

B. Claim Rejections Under 35 U.S.C. § 102(a)

Claims 1-69 stand rejected under 35 U.S.C. § 102(a)¹ as allegedly anticipated by U.S. Patent No. 6,088,686 to Walker *et al.* ("Walker"). Specifically, with regard to independent claims 1, 32, 43 and 57, the Office Action asserts that Walker discloses all the elements of these claims. Applicants respectfully disagree.

The present invention is directed to a system and method for offering a financial product to a customer in real-time while the customer is conducting a transaction. Appl'n at ¶ 0012. The offer for a financial product may be "performed in parallel to the customer conducting a transaction in real-time over a network, thereby eliminating the back-end process required to re-check the customer's credit data before approving the offer. Id.

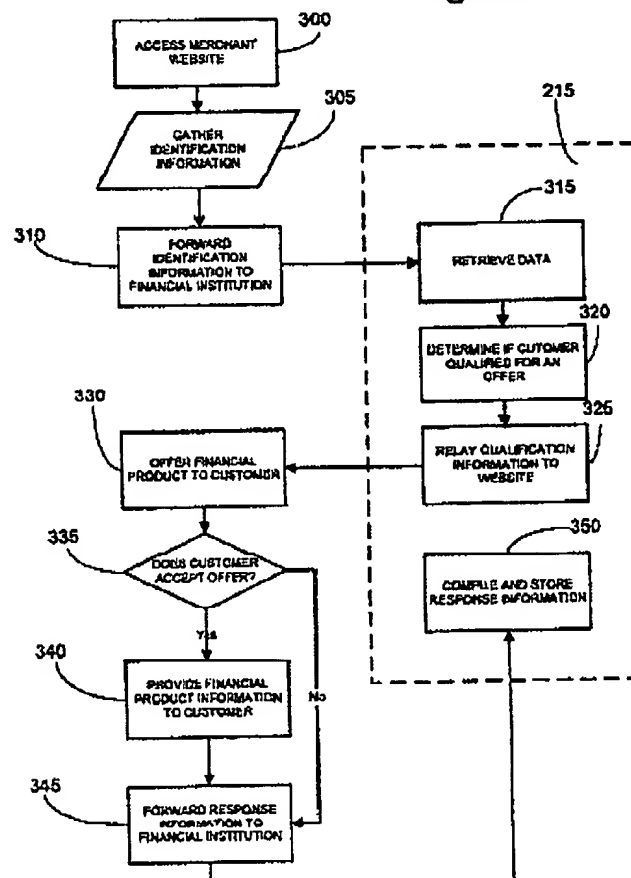
According to one embodiment of the present invention, a customer accesses a web site, such as that of a financial institution or a merchant. Appl'n at ¶ 0023.

¹ Although the Office Action rejects the claims under 35 U.S.C. § 102(e), based on the publication date of Walker, and the priority date of the current application, it appears that this rejection should be under 35 U.S.C. § 102(a).

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While the customer is conducting a transaction, the web site gathers customer identification information. Appl'n at ¶ 0024-26. The customer information is then forwarded to a financial institution. Appl'n at ¶ 0027. Alternatively, the customer can access the financial institution's web site directly. Appl'n at ¶ 0028. The financial institution determines if the customer qualifies for an offer for a financial product, Appl'n at ¶ 0041, and, if so, relays the qualification to the web site that then may offer the financial product to the customer. Appl'n at ¶ 0045. The process is depicted in Fig. 3 of the present application, reproduced below:

Figure 3



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The left hand side of **Fig. 3** indicates the actions as a result of the customer accessing a web site, and the right hand side (box 215) indicates the actions undertaken by an entity that determines if a customer qualifies to receive an offer for a financial product.

In order for a claim to be anticipated by a reference, that reference must disclose each and every element of the claimed invention. *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”); *see also Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (“The identical invention must be shown in as complete detail as is contained in the . . . claim.”). The present invention includes claims written from (1) the perspective of the entity that determines if a customer qualifies to receive an offer for a financial product (e.g., a financial institution), from (2) the perspective of the web site, and (3) from the perspective of the system. For example, independent claim 1, written from the perspective of an entity that determines if a customer qualifies to receive an offer for a financial product recites:

1. A method of offering a financial product to a customer, the method comprising:
receiving identification information regarding the customer from a web site over a network connection;
retrieving data related to the identification information;
determining if the customer qualifies to receive an offer of the financial product in response to the retrieved data; and
relaying information for the offer of the financial product to the web site over the network connection if the customer qualifies,
wherein the acts of receiving, retrieving, determining and relaying occur in real-time.

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Appl'n at Claim 1 (emphasis added). As indicated by the emphasized text, independent claim 1 requires that the information regarding the customer come from a web site, and that information for an offer for financial products is relayed to the web site.

Independent claim 32, written from the perspective of an entity that maintains a web site (e.g., a merchant) recites:

32. A method of offering a financial product to a customer, the method comprising:

maintaining a web site;

receiving identification information from a customer accessing the web site without the customer initiating an application for a specific financial product;

forwarding the identification information to a financial institution adapted to determine if the customer qualifies for the offer of the financial product;

receiving an indication from the financial institution regarding the qualification of the customer; and

offering the financial product to the customer if they qualify;

wherein the acts of receiving the identification information, forwarding the identification information, receiving the indication of qualification and offering the financial product occur while the customer is conducting a transaction with the web site.

Appl'n at Claim 32 (emphasis added). As indicated by the emphasized text, independent claim 32 requires that the customer identification information be forwarded to a financial institution, and that an indication regarding the qualification of the customer be received from the financial institution.

Walker does not disclose the limitations of independent claims 1 or 32. Specifically, Walker discloses

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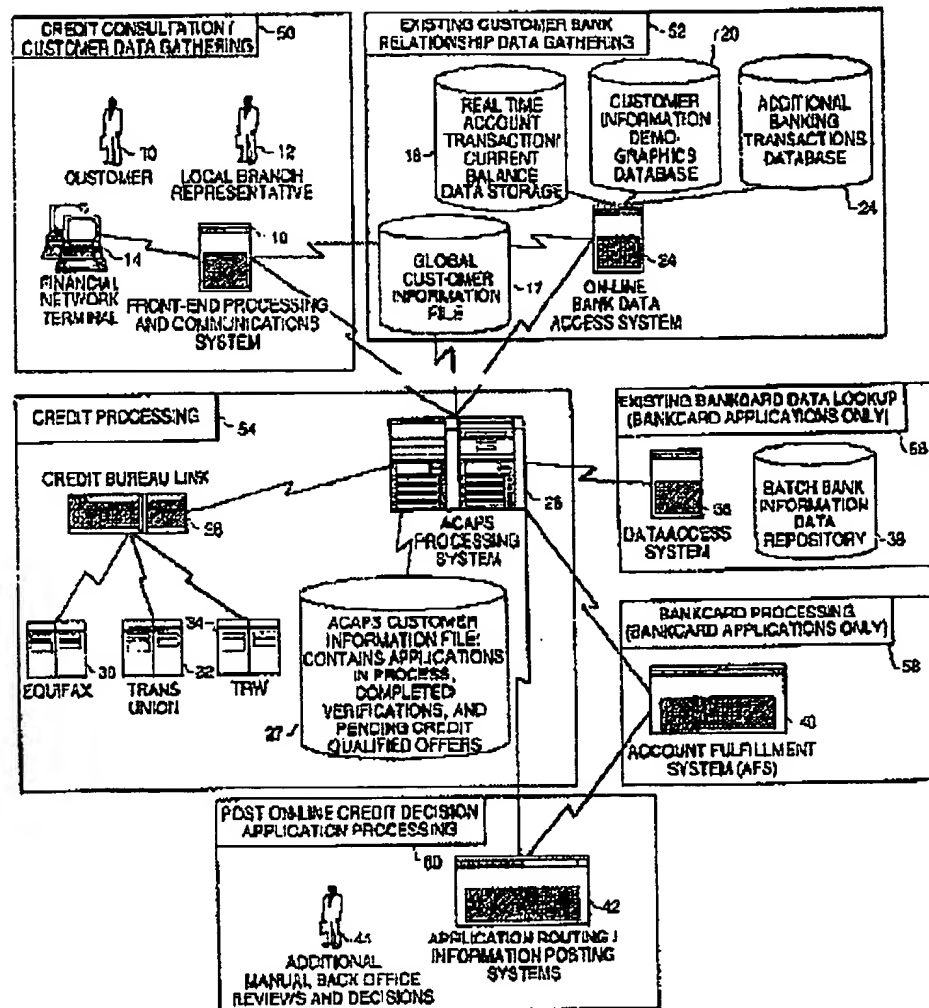
an expeditious manner in which consumer retail branches can provide an immediate credit evaluated response (conditional approval, upsell and/or counter-offer pending required verifications) to qualified applicant credit requests (e.g., unsecured and real estate secured), while ensuring that the financial institution's required credit policies are appropriately completed, thereby potentially limiting risk to the portfolio.

Walker, Col. 6, ll. 40-47. According to Walker, the described system and method are used in conjunction with the application for credit at the time of purchase for an item, or during the application process for non-credit products, such as open demand deposit accounts. See Walker, Col. 1, ll. 57-60; col. 6, ll. 26-29.

Walker does not disclose the steps of "receiving identification information regarding the customer from a web site over a network connection" or "maintaining a web site" as claimed in independent claims 1 and 32, respectively. Instead, Walker describes that customer identification information is received during a sales session (Walker, Col. 6, ll. 55-58) from a Local Branch Representative (element 12 in Fig. 1) for a financial institution.

Figs. 1A and 1B of Walker are reproduced below:

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Walker's Local Branch Representative, however, is not a web site. A Local Branch Representative is simply a representative of the financial institution that has access to a financial network terminal (ele. 14 in Fig. 1).

Similarly, Walker does not disclose the steps of "relaying information for the offer of the financial product to the first entity over the network connection if the customer qualifies," "receiving an indication from the financial institution

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regarding the qualification of the customer” or that “the acts of receiving the identification information, forwarding the identification information, receiving the indication of qualification and offering the financial product occur while the customer is conducting a transaction with the web site” as recited in independent claims 1 and 32, respectively. As noted above, Walker’s Local Branch Representative 12 is not a web site, and the customer 10 does not conduct a transaction with Local Branch Representative 12 while the “acts of receiving the identification information, forwarding the identification information, receiving the indication of qualification and offering the financial product occur.”

Because Walker does not disclose at least these elements of independent claims 1 and 31, as well as any claims dependent thereon, Applicants respectfully request that this rejection be withdrawn.

Independent claims 43 and 57, both system claims, recite:

43. A system for offering a financial product to a customer, the system comprising:

a network;

a first interface coupled to the network that receives identification information regarding the customer;

a web site having a second interface that retrieves data related to the received identification information;

a processor coupled to the first interface and the second interface, the processor adapted to:

determine if the customer qualifies for the offer of the financial product in response to the retrieved data; and

transmit the offer of the financial product to the customer via the network through the first interface if the customer qualifies.

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57. A system for offering a financial product to a customer, the system comprising:

a web site linked to the Internet, the web site being adapted to receive identification information from the customer in response to a request to perform a transaction;

a processor coupled to the web site; and

one or more databases linked to the processor, the one or more databases containing data related to the identification information of the customer;

wherein the processor is adapted to:

retrieve data related to the identification information from at least one of the one or more databases;

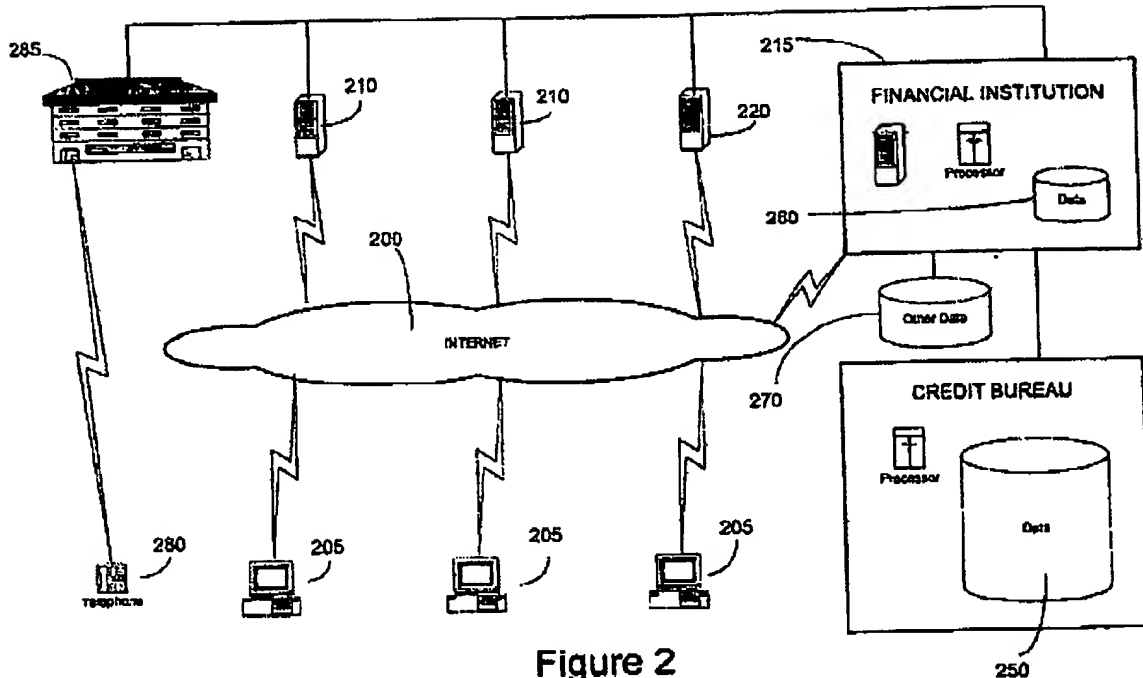
determine if the customer qualifies for the offer of the financial product in response to the retrieved data; and

transmit the offer of the financial product to the customer via the web site if the customer qualifies.

Appl'n at claims 43 and 57 (emphasis added). As indicated by the emphasized text, claim 43 requires a first interface, a web site having second interface, and a processor that transmits an offer of a financial product through the first interface. Claim 57 requires a web site to receive identification information from the customer, and a processor that transmits an offer of a financial product to the customer via the web site if the customer qualifies.

According to one embodiment of the present invention, a system for offering a financial product to a customer is described in conjunction with Fig. 2, reproduced below. The system includes a network, such as Internet 200, financial institution web site 215, merchant web site 210, or other web site that offers products or services 220. Appl'n at ¶ 0023.

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According to one embodiment of the present invention, a customer enters identification information via computer 205, and the identification information is forwarded to the web sites 210, 215 or 220 through an interface in the customer's computer 205 which is linked to the Internet 200. Appl'n at ¶ 0025. Internet 200 is also linked to an interface for the web sites 210, 215 or 220. *Id.* Web site 210, 215 or 220 forwards the information to an entity that determines if the customer qualifies for the offer of a financial product, such as financial institution 215. *Id.* at ¶ 0027.

Walker does not disclose the elements of independent claims 43 or 57. With regard to claim 43, this claim, as amended, requires "a web site having a second interface that retrieves data related to the received identification information." Element 54 (*i.e.*, credit processing) that the Office Action identified as

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corresponding to this element, simply is not a web site as claimed. Rather, there is no disclosure regarding element 54 in Walker, other than it including ACAPS processing system 26 and database 27, and links to review an applicant's credit history. There is no disclosure suggesting that element 54 is a web site.

With regard to claim 57, Walker does not disclose "a web site linked to the Internet, the web site being adapted to receive identification information from the customer in response to a request to perform a transaction" or a processor adapted to "transmit the offer of the financial product to the customer via the web site if the customer qualifies." As discussed above, Walker only discloses a local branch representative, not a web site that collects information and offers a financial product to a customer.

Because Walker does not disclose at least these elements of independent claims 43 and 57, as well as any claims dependent thereon, Applicants respectfully request that this rejection be withdrawn.

IV. CONCLUSION

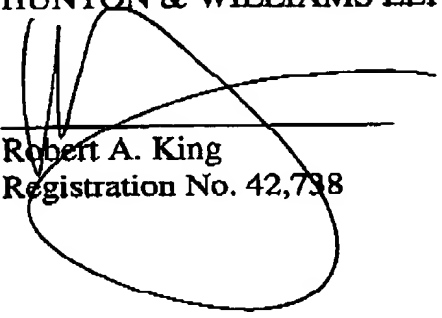
Applicants respectfully submit that the application is in condition for allowance. Claims 70 and 71 are hereby added, a fee of \$100.00 may be charged to Deposit Account No. 50-0206. In the event the Patent and Trademark Office requires any additional fees, please charge such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206. Should any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number listed below.

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Respectfully submitted,
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